

REMARKS

Applicants appreciate the annotated drawings used to explain the pending rejections.

Claim 1 has been amended to incorporate the subject matter of claims 3 and 5.

New claims are added. See Figures 13-14 and the disclosure beginning with the last line of specification page 27.

Claim 9 is amended based on the disclosure spanning pages 23-24.

Claim 11 has been cancelled and claim 13 amended, responsive to the claim objections.

As to the recited connection pieces, Figure 9 is a view showing a cut-off condition of the connection piece. Element 14 is the connection piece. Figure 9 shows two connection pieces 14. Claim 12 has been appropriately amended to provide antecedent basis for "connection pieces".

Claims 10 and 13 have been amended consistent with the above claim amendments.

No new matter is entered by way of these amendments.

Substantive Rejections

Claims 1, 5-6, 8 and 12 were rejected as anticipated by Battegazzore 5,244,107.

This rejection is moot in view of the subject matter of claims 3 and 5 having been incorporated into claim 1.

Claims 3, 4, 9, 11, 13 and 14 were rejected as obvious over Battegazzore in view of Fuchs 5,129,530.

Claims 7 and 10 were rejected as obvious over Battegazzore in view of Nixdorff 4,503,986.

The rejections are traversed.

The open/close cap of the present invention is provided with a contact preventing portion having a diameter equal to at least an outer surface of the band so as to extend outward from the outer peripheral surface of the cap body.

As disclosed in the original specification and drawings, the lower portion of the cap body is formed with a contact preventing portion 8 having a lower portion protruding radially outward and an outer surface 8a thereof is inclined obliquely downward.

The band 10 is positioned between the upper base seat 24 and the contact preventing portion 8, and the outer peripheral edge of the contact preventing portion 8 extends radially to the position substantially the same as the outer peripheral edge of the band.

For this arrangement, the band 10 disposed between the upper base seat 24 and the contact preventing portion 8 hardly contact an external foreign material, and hence, the application

of an external force to the band can be effectively prevented (See Figure 7 and the disclosure of specification pages 18-19).

As to this feature of the invention, the rejection is based on the disclosure and teaching of Fuchs Figure 2.

The rejection identifies the inclined portion of plastic enclosure 10 as the contact preventing portion having a diameter equal to an outer surface of the band 17.

Although the lower part of enclosure 10 does incline outward, this element is not disclosed as a contact preventing portion.

Fuchs discloses a plastic closure 10 with a base wall 14 and a peripheral skirt 15 having internal threads 16. See there is disclosed a tamper indicating band 17 connected to the skirt 15 of the closure by weakened line 18.

This inclined portion of the plastic closure 10 of Fuchs is thus merely a projected portion having no specific function. The inclined portion is not a contact preventing portion.

Thus, the subject feature of prior claim 3 is not obvious even in view of Fuchs.

The subject feature of prior claim 5 was rejected as anticipated by Battegazzore for disclosing a band shape maintaining member 11 for preventing crushing of the band in a radially inward direction abutment of the inside portion of the band is disposed to the lower end of the cap body 3 in an inside

portion of the band 6. Batteggazzore discloses that the sealing band 6, and that the upper edge 6a of the sealing band 6 is connected to the cap 3 across a weakening line 7 which is obtained by providing bridge portions 11, 12, 11a.

In contrast, the band shape maintaining member of the present invention (from prior claim 5) is disposed to the lower end of the cap body in the inside portion of the band. See the specification beginning with the last line of page 27 and Figures 13-14 disclosing that the band shape maintaining member 9 (9A) of the present invention is integrally formed to the lower end of the cap body.

In the present invention, the band shape maintaining member is integrally formed on the cap body and is projecting downward from a lower end surface of the cap body, the band shape maintaining member positioned to prevent the band from being pushed radially inward of the open/close cap, the band shape maintaining member having an outermost diameter defining a predetermined gap between the band shape maintaining member and an inner surface of the band.

In contrast, Batteggazzore has no corresponding structure. Rather, the bridge portion 11 is formed integrally with the band, and accordingly, there is no defined gap and when the cap is removed, this portion 11 is remained with the band as shown in Figure 6.

Thus, the features of the band shape maintaining member found in the independent claims and the dependent claims is not disclosed by Batteggazzore.

Reconsideration and allowance of all the claims are respectfully requested.

This amendment is believed to be fully responsive and to put the case in condition for allowance. Entry of the amendment, and an early and favorable action on the merits is earnestly requested. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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